

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kazuto Yoneyama

Application No.: 10/731,235

Filed: December 8, 2003

For: RECORDING MEDIUM AND
PLAYBACK DEVICE

Customer No.: 20350

Confirmation No. 4953

Examiner: D. N. Gortayo

Technology Center/Art Unit: 2168

PETITION TO RESET PERIOD TO
REPLY DUE PURSUANT TO MPEP
§710.06 (I)

Commissioner for Patents
Office of Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

July 21, 2008 (e-filed)

Sir:

Applicant respectfully petitions the Office to reset the period to reply to an Office action that was mailed March 28, 2008, but was never received by the undersigned or by the law firm that employs the undersigned. The mailing address on the Office action correctly identifies the law firm's address. However, to date, a copy of the Office action **has not been received**.

On July 21, 2008, the undersigned learned of the Office action during a periodic inspection of the PAIRS database performed by a paralegal of the law firm about every six months. Upon learning that the Office action had been mailed but not yet received, a copy of the Office action was obtained from PAIRS by the paralegal and entered into the law firm's docketing system. The instant petition was prepared and filed on the same day.

Submitted herewith as Exhibit A is a Patent Record Sheet which shows the docketing history of the application identified above. As can be seen, the only entry relating to the Office action was made on July 21, 2008. There is no record of having received the Office action on or about March 28, 2008.

The undersigned respectfully requests a re-mailing of the Office action. The undersigned further requests resetting the period to reply to begin on the day the Office action is re-mailed, as the requirements of MPEP Section 710.06 Part I are believed to have been met.

As for sub-part (A), the Office action has not yet been received since its mailing date of March 28, 2008. As for sub-part (B), a substantial portion of the set reply period as elapsed. In fact, the entirety of the set reply period has lapsed. Indeed, the Office action has not yet been received, though a copy of it has been retrieved via PAIRS. As to sub-part (C), Exhibit A shows the relevant dates on the left-most column of dates. Notably, the latest Office action is dated July 21, 2008, the day the missing Office action was retrieved from PAIRS.

Accordingly, resetting the period to reply to begin on the day the Office action is re-mailed is believed to be proper under current MPEP rules, and such relief is respectfully requested.

Respectfully submitted,

/George B. F. Yee/

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GBFY
61439001 v1

EXHIBIT A

Patent Record Sheet

Docket ID	16869P-097700US	Other Party	<input type="checkbox"/>
Alternative Docket IDs		File Reference	
Applicants		Client/Business Units	Hitachi Ltd. (16869P)
Cost Centres		Attorneys	Gray Charles W.
Inventors	Yoneyama Kazuto	Laboratories	
Country	United States of America	Prosecuting/Admin Agent	
Short Title	Recording Medium and Playback Device	Foreign Associate Represe	
		Tax Receiver / Patent Office	
Convention	Pri. Claimed	Application No	10/731235
Origin		Filing Date	08-Dec-2003
Type	Patent	Grant No	
Sub Type		Grant Date	
Status	Pending	Independent Claims	
Sub Status	Published	Number of Dependent Claims	
		Number of Multiple Dependent Claims	0

Licence of Right ☐

Small Entity ☐

File Status

Annuity Instructions

Claimed Priorities & Parent Records

Relation	Docket ID	Date	Primary
Priority	OP16869P-097700J	7/10/2003	<input checked="" type="checkbox"/>

Long Title Recording Medium and Playback Device

Abstract Summary

Memo

International Classes

National Classes

Keywords

Utilisations

Technology Areas Electrical/Software

Prior Art

Literature

Patents/Inventions

Related Cases	Matter ID	Matter Type	Other Party	File Status
	61492	Patent Assignment		

Diary

Docketed	Action / Event	Recorded No	Reminder	Due	Done/Record	Resp Party
07-Oct-2003	Date Created				07-Oct-2003	

Patent Record Sheet

10-Dec-2003	Application Date	10/731235	08-Dec-2003		
07-Jul-2004	Assignment Filed		08-Dec-2003		
27-Jan-2005	Publ: First	US-2005-0010596-A1	13-Jan-2005		
	Notice of Publication 01/13/05 (Received 01/27/05)				
09-Jun-2006	Office Action Mailing Date (3 Mo)		05-Jun-2006		
	3 Month Office Action 06/05/06 (Received 06/09/06)				
22-Nov-2006	2nd Office Action (3 mo.)		15-Nov-2006		
	received 11/20/06				
26-Feb-2007	RCE Filed		14-Feb-2007		
09-May-2007	3rd Office Action (3 mo.)		01-May-2007		
	3rd 3 Month Office Action 05/01/07 (Received 05/07/07)				
24-Oct-2007	Final Office Action Mailing Date		18-Oct-2007		
	Final US Office Action 10/18/07 (Received 10/22/07)				
30-Jan-2008	RCE Filed		18-Jan-2008		
10-Feb-2008	Supplemental Amendment Filed		30-Jan-2008		
21-Feb-2008	Supplemental IDS Filed		12-Feb-2008		
21-Jul-2008	4th Office Action (3 mo.)		28-Mar-2008		
	4th 3 Month US Office Action 03/28/08 (Received 07/21/08)				
10-Dec-2003	Status Check (Post Card Received?)		08-Feb-2004	18-Dec-2003	RL
10-Dec-2003	IDS (Inf. Disc. Stmt.) deadline		08-Mar-2004	08-Dec-2003	RL
14-Apr-2004	Priority Document		08-Apr-2004	14-Feb-2007	WV
	RCE filed - jf				
10-Dec-2003	Status Check (Filing Receipt Received?)		08-Jun-2004	15-Mar-2004	RL
07-Jul-2004	Assignment Recorded ?	014791-0326	08-Oct-2004	08-Dec-2003	RL
	Notice of Recordation 06/29/04 (Received 07/02/04)				
10-Dec-2003	1-mo. to publication		08-May-2005	13-Jan-2005	RL
	Notice of Publication 01/13/05 (Received 01/27/05)				
10-Dec-2003	Publication Non-Priority Foreign Filing		08-Jun-2005	13-Jan-2005	RL
	Notice of Publication 01/13/05 (Received 01/27/05)				
25-Jul-2005	Check PAIR for 1st OA		08-Dec-2005	05-Jan-2006	R1H
	Checked PAIR; no action mailed per R. Hylton e-mail 01/05/06 - b3b 01/13/06				
13-Jan-2006	Check PAIR for 1st OA		08-Jun-2006	05-Jun-2006	R1H
	3 Month Office Action 06/05/06 (Received 06/09/06); Checked PAIR; no action mailed per R. Hylton e-mail 01/05/06 - b3b 01/13/06				
07-Sep-2006	Response to Office Action		05-Sep-2006	28-Aug-2006	WV
22-Nov-2006	Response-2nd Office Action		15-Feb-2007	14-Feb-2007	GBY
	RCE filed w/amendment - jf				
07-Sep-2006	Check PAIR- No PTO Action 6 Mos. After Response		28-Feb-2007	15-Nov-2006	R1H
	3 mo. OA 11/15/06 (received 11/20/06)				
09-May-2007	Response-3rd Office Action		01-Aug-2007	01-Aug-2007	CWG
26-Feb-2007	Check PAIR- No PTO Action 6 Mos. After Response		14-Aug-2007	01-May-2007	R1H
	3rd 3 Month Office Action 05/01/07 (Received 05/07/07)				
24-Oct-2007	Response to Final Office Action		18-Jan-2008	18-Jan-2008	CWG
24-Oct-2007	Notice of Appeal		18-Jan-2008	18-Jan-2008	CWG
	RCE filed - t2h				
08-Aug-2007	Check PAIR- No PTO Action 6 Mos. After Response		01-Feb-2008	18-Oct-2007	R1H
	Final US Office Action 10/18/07 (Received 10/22/07)				
21-Jul-2008	Response-4th Office Action		28-Jun-2008		CWG
30-Jan-2008	Check PAIR- No PTO Action 6 Mos. After Response		18-Jul-2008	28-Mar-2008	R1H
	4th 3 Month US Office Action 03/28/08 (Received 07/21/08)				
21-Jul-2008	Response-4th Office Action (1st Ext)		28-Jul-2008		CWG
21-Jul-2008	Response-4th Office Action (2nd Ext)		28-Aug-2008		CWG
21-Jul-2008	Response-4th Office Action (Final Deadline)		28-Sep-2008		CWG

Patent Record Sheet

Date created 07-Oct-2003

Created by MS

Date Amended 21-Jul-2008

Updated by J2E